

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Joseph Brown
Serial No. : 10/642,777
Filed : August 18, 2003
For : Sink Clip
Attorney's Docket : BROWN-001XX
Examiner : Nguyen, Tuan N
Group Art Unit : 3751

AMENDMENT

Mail Stop AF
Commissioner of Patents
PO Box 1450
Alexandria, VA, 22313-1450

Sir:

In response to the Office Action dated July 5, 2006, please
amend the above-identified Patent Application as follows:

In the Claims:

1-22. (Canceled)

23. (Currently Amended) A mount for securing a sink within an opening in a countertop, said mount comprising:

a body portion ~~having a first longitudinal axis, said body portion including:~~

a leg segment having a first longitudinal axis and proximal and a distal ends disposed at generally opposite ends of said leg segment,

a lip ~~segment~~section having a second longitudinal axis disposed substantially parallel to said first longitudinal axis and a proximal and a distal ~~end~~region disposed along generally opposite ends of said lip segment~~second longitudinal axis;~~

a first base segment~~section~~ having a third longitudinal axis, wherein said proximal end of said lip ~~segment~~section is secured to said base ~~segment~~section such that said third longitudinal axis is disposed substantially perpendicular to said first and second longitudinal axes, wherein said first base segment includes a proximal and a distal end disposed along generally opposite ends of said first base segment,

and wherein said lip segment is secured to said proximal end of said first base segment and a proximal end of said leg segment is secured to said distal end of said first base segment~~axis; and~~

~~a leg section having a fourth longitudinal axis and proximal and a distal region disposed along generally opposite ends of said fourth longitudinal axis, wherein said proximal region of said leg section is secured to said base section such that said leg segment fourth longitudinal axis is disposed substantially parallel to said lip segment second longitudinal axis and wherein said distal region of said lip section and said distal region of said leg section are disposed along generally opposite ends of said first longitudinal axis; and~~

a second base segment having a fourth longitudinal axis, wherein a distal end of said leg segment is secured to a first end of said second base segment such that said fourth longitudinal axis of said second base segment is disposed substantially parallel to said third longitudinal axis of said first base segment;

means for securing said body portion to said sink prior to installation of said sink in said countertop opening; and

a flexible sink engagement section including:

a first portion having a first end secured to a second end of said second base segment~~disposed proximate said distal region of said leg section~~ of said body portion; and

a second portion having a first end secured to~~disposed proximate~~ a second end of said first portion, said second portion having a tip adapted to engage a substantially vertical face of said countertop opening when said sink is disposed within said countertop opening, wherein said flexible sink engagement section is configured to directly and deflectably engage against said vertical face of said countertop opening such that said flexible sink engagement section is disposed at a first angle relative to said fourth~~first~~ longitudinal axis of said second base segment~~body portion~~ when in an uninstalled position and is disposed at a second angle relative to said fourth longitudinal axis of said second base segment~~body portion~~ when in said installed position, wherein said second angle is less than said first angle.

24. (Currently Amended) The mount as claimed in claim 23 wherein said means for securing includes:

a first aperture disposed through said first base segment~~section~~; and

a fastener ~~adapted to be~~ disposed through said first aperture, said fastener having a head portion adapted to engage asaid sink channel.

25. (Currently Amended) The mount as claimed in claim 24 wherein said means for securing further includes a second aperture disposed through said second base segment~~flexible sink engagement section along said first longitudinal axis of said body~~, wherein said fastener is disposed ~~adapted to pass through~~ said first and said second apertures in said first and second base segments respectively.

26. (Cancelled)

27. (Cancelled)

28. (Currently Amended) The mount as claimed in claim 23 wherein said first portion of said flexible sink engagement

section is disposed at an angle (A1) relative to said second base
segment~~body portion~~, wherein said angle (A1) is between about
120~~30~~ and about ~~60~~150 degrees in said unbiased position.

29. (Currently Amended) The mount as claimed in claim 23
wherein said second portion is disposed at an angle (A2) relative
to said first portion~~lip section~~, wherein said angle (A2) is
between about 10~~5~~ and about 120~~30~~ degrees in said unbiased
position.

30. (Canceled)

- 31. (Cancelled)
- 32. (Cancelled)
- 33. (Cancelled)
- 34. (Cancelled)

REMARKS

Applicant appreciates the Examiner's review of the above-identified patent application and respectfully requests reconsideration and allowance in view of the above amendments and following remarks. Claims 23-25, 28 and 29 are pending in the present application.

The Examiner begins his office action remarks by directing his response to applicant's arguments filed on April 10, 2006. Although the Examiner states that applicant's arguments have been "fully considered", the Examiner goes on to state that the arguments are moot in view of the new matter issues raised in the present office action. Because the Examiner's rejections appear to be nearly word for word the same as the previous office action, and because the claims were substantially amended in response to the last office action, applicant does not believe that the Examiner properly considered the claim amendments. The Examiner further states "[F]urthermore, the interposing material is pre-mount to the countertop opening via screw, nail, adhesive, etc. and became part of the countertop, the sink and mount is inserted thereafter." Applicant is unclear as to what the Examiner means by this sentence. Applicant does address below the issue of providing a sink retaining clip which interfaces

directly with the countertop which applicant still believes is not disclosed or even suggested in the prior art.

by the present amendment applicant has also corrected claims 28 and 29 to properly recite the angles referred to. As clearly shown in the drawings, both angles A1 and A2 refer to angles greater than 90° and accordingly, the point of reference recited in the claim may be angle degree recitation less clear than desired. Applicant has merely added 90° to all of the recited angles.

The Examiner first raises an objection as to claim 34 stating that there is a lack of antecedent basis for one phrase in another phrases grammatically incorrect. Given that claim 34 is canceled as a result of the present amendment, this objection is moot.

The Examiner has rejected claims 23-29 and 31-34 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states that the limitations added in lines 4-23 of claim 1, line 4 of claim 25, lines 2-6 of claim 26, lines 2-5 of claim 27 and the words "without interposing material" in line 10 of claim 31 were not presented in the original specification and therefore are regarded as new matter. Applicant strongly disagrees and

traverses this rejection and requests reconsideration in view of the enclosed claim amendments and the following remarks.

Applicant has rewritten independent claim 23 to recite the elements of the claimed sink clip in the order shown in the drawings, particularly figures 3 and 7. Appropriate support for this presently amended claim is clearly shown in these drawings and in the specification at least beginning on page 6, paragraph 20 through page 9, paragraph 28. Referring for example to figure 3, the claimed "lip segment" is shown as element 62; the "first base segment" is shown as element 56; the "leg segment" is shown as element 60; the "second base segment" is shown as element 58; and the "flexible sink engagement section" is shown at generally 44 comprised of first and second portions 64, 66 respectively. Furthermore, the Examiner's assertion that the recitation of "without interposing material" in line 10 of claim 31 is new matter is an error and is clearly supported in the specification and at least drawings 4 and 6, and in the specification, page 9, paragraph 27 wherein is recited "[O]nce in place, the tip 68 directly engages the sides and 78 of the countertop..." Accordingly, applicant believes that all of the claim limitations added in applicant's response to the last office action are clearly and unambiguously supported in the specification and that

the written description requirement of the patent laws have been clearly met. Accordingly, the examiner is requested to withdraw this rejection.

Claims 23-25, 31, 32 and 34 have been again rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,793,190 to White et al. (hereinafter referred to as "White"). Claims 23, 26, 27, 31, 33, and 34 have been again rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,037,780 to Lyon (hereinafter referred to as "Lyon"). Claims 28 and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over White. Claims 26, 27 and 30-34 have been canceled by the present amendment and thus, rejection of these claims is now moot. For at least the reasons explained hereinbelow, Applicant respectfully traverses these rejections as to the remaining claims.

The present application contains one independent claim, namely, claim 23. Accordingly, remarks will be directed to this claim.

White discloses a retainer clip 100, FIGS. 2 and 3, for securing a sink 20 within a cutout of a countertop 40. The retainer clip 100 features a ratchet plate 110 fixed to an edge 46 of the cutout in the countertop 40 and a corresponding pawl

160 mountable to the sink 20. The ratchet plate 110 is generally planar and has a front face 112 with a plurality of detents 114 recessed therein. Referring to FIGS. 6-8, the pawl 160 generally includes a base portion 168 and resilient tabs 162A-C which project upwardly from the base portion 168 such that the tips 170 and are arranged above the base portion 168. The base portion 168 also includes a lip (unmarked) that extends upwardly opposite from the resilient tabs 162A-C. A mount assembly 172 (i.e., a screw 174 having a head 176) is disposed through an aperture (best seen in FIG. 5) in the base portion 168.

It is important to note that the resilient tabs 162A-C extend upwardly directly from the base portion 168, without any intervening elements. As best seen in FIG. 3, this arrangement results in the tips 170 of the resilient tabs 162A-C necessarily being disposed above the base portion 168 and consequently contacting the top region of the ratchet plate 110.

Lyon discloses a resiliently deflectable strip of spring fingers 22, FIG. 2, interposed between the sink bowl 19 and a metal flange 17. The fingers 22 include a relatively long attachment leg 23 that may be welded to the bowl portion 19 and a return-bent resiliently deflectable terminal leg 24 extending outwardly directly from the leg 23.

In contrast, independent claim 23 of the present invention recites, generally, a mount having a lip segment coupled perpendicular to a first segment which is itself couple perpendicular to a leg segment which is also itself coupled perpendicular to a second base segment. A flexible sink engagement section is secured to a second end of the second leg segment. The lip and the leg segments extend outwardly perpendicular from the first base segment in generally opposite directions and parallel to one another. Because the flexible sink engagement section is secured to the distal region of the second base segment in the present invention rather than the base portion 168 as described in White, the tip of the flexible engagement section according to the present invention may be disposed either above or below the first base segment depending on the intended application by lengthening or shortening leg 60, and therefore can work with a wide range of sink designs.

In contrast, the retainer clips 100 of White will not work with certain sink 20 designs where the channel rail 30 of the sink 20 is very close to the bottom surface of the rim 26 of the sink 20. With sinks 20 of this design, the tips 170 of the retainer clip 100 may not fit beneath the bottom surface of the rim 26 of the sink 20 since the retainer clips 100 mounts to the

channel rail 30 and the resilient tabs 162A-C extend upwardly directly from the base portion 168.

Applicant further submits that Lyons does not disclose a mount having a lip segment and a leg segment both secured to a first base segment and a flexible sink engagement section secured to one end of a second base segment wherein the lip and the leg segments extend outwardly perpendicular from the first base segment in generally opposite directions. In contrast, Lyon merely discloses fingers 22 attached directly to leg 24 without any additional elements while White does not disclose a structure that is anywhere similar to this.

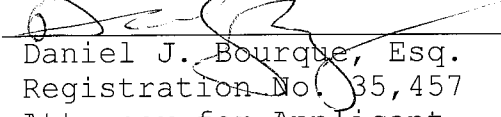
For at least these reasons, Applicant submits that amended independent claim 23 is patentable over both White and Lyon and requests that the rejections regarding claims 23 and its dependent claims be withdrawn.

For at least the reasons discussed above, Applicant respectfully submits that amended independent claim 23 is in condition for allowance. Early and favorable action is respectfully requested. The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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Respectfully submitted,

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